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5 June 1956

MEMORANDUM FOR: Inspector General

FOIAB3B

ATTENTION:

SUBJECT: Management Responsibilities of the Director
of Central Intelligence

1. You have inquired, in connection with a survey of the Management Staff, as to the responsibilities of the Director under existing statutory or other authority in the fields of management improvement and records management.

2. Executive Order 10972, dated 29 July 1949 (cited at 5 USCA 133a), is entitled "Improvement of Management of Executive Branch of Government." It is quoted in its entirety in Attachment 1.

3. This Executive Order imposes an affirmative responsibility on department and agency heads to review periodically their programs and to take such action as may be necessary to insure maximum effectiveness and economy of operations. It delegates to the Bureau of the Budget a review and advisory function and it establishes an Advisory Committee to assist the President in creating a government-wide program for management improvement.

4. This affirmative responsibility to initiate management improvement is distinct from the responsibility of agency heads to administer improvements suggested by the Congress or the President (e.g., the Incentive Awards Program, Hoover Commission recommendations, etc.).

5. Materials pertaining to records management include the Federal Property and Administrative Services Act of 1949, the Federal Records Act of 1950, the Records Disposal Act of 1943, and regulatory issuances of the General Services Administration and the Bureau of the Budget.

6. The several statutes on records management, covering such subordinate elements thereof as the creation, custody, retirement, destruction and archival storage of records, and policies and methods for the preservation of vital documents in the event of national emergency, repose authorities and responsibilities in

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both agency heads and the Administrator of General Services. Because of a provision in the Federal Property and Administrative Services Act of 1949 that nothing therein "shall impair or affect the authority of" the Central Intelligence Agency, and because of the responsibility imposed upon the Director by the National Security Act of 1947 and the Central Intelligence Agency Act of 1949 "for protecting intelligence sources and methods from unauthorized disclosure," this Agency is generally exempted from review of its management or records by outside agencies. (It should be noted, however, that this Office has not at this time conducted a detailed analysis of the materials relating to records management, so that the application of this general statement to specific situations requires further inquiry prior to decision.)

7. The exemption of the Agency from scrutiny by or revelation to outside agencies does not, however, exempt the Agency from undertaking internally such management improvement and records management activity as may be required by law. To put the matter another way, this Agency may be able to avoid control of its records management program by the Administrator of General Services, but in such a case the Director or a person appointed by him is responsible for carrying out internally the same functions that are imposed upon the Administrator by law and that he would carry out were another agency involved.

8. Since our unusual exemptions from general government reporting requirements minimize the possibility that there will be any external detailed scrutiny of the manner in which the Director carries out his responsibilities in the fields of records management and management improvement, there would appear to exist a strong moral obligation that this Agency develop activities along this line at least as effective as those of other agencies of government. This Office stands ready to aid at any time in further interpretation of the statutory responsibilities as a guide to such activities, present or contemplated.

FOIAB3B


Assistant General Counsel

Attachment

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